

**From:** [Michael.K.Sams@uscg.mil](mailto:Michael.K.Sams@uscg.mil) on behalf of [Sams, Michael K CIV](#)  
**To:** [McQuiddy, David](#); [Mason, Steve](#)  
**Cc:** [Broyles, Ragan](#); [Cubanski, Edward J CAPT](#); [Peterson, Todd M CIV](#)  
**Subject:** OES II -- demand for response from NOAA SSC and RRT  
**Date:** Monday, February 04, 2013 5:16:06 PM  
**Attachments:** [rrt6\\_bioremed\\_position.pdf](#)  
[NRT\\_bioremed\\_FS.pdf](#)  
[OSEI Corporation Response to Kyle Jellison of NOAA's Email of January 30, 2013, Which Does not Contain a Decision for The Use of OSE II for the Sorrel Bayou spill first edit .pdf](#)

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Wes / Steve,

I'd like to get your thoughts on attached six-page response to NOAA SSC before I reengage at FOSC level to ask if they're even interested in formally bringing this product (OES II) to the RRT for discussion/vote. Below is very lengthy email chain.

The response is terse; obvious sign of frustration on behalf of company.

V/r,

Mike Sams  
504-671-2234 (o)  
281-881-6193 (c)  
[Michael.K.Sams@uscg.mil](mailto:Michael.K.Sams@uscg.mil)

-----Original Message-----

From: Peterson, Todd M CIV  
Sent: Monday, February 04, 2013 12:48 PM  
To: Sams, Michael K CIV; 'Steve Mason'  
Subject: FW: Great Concern; response required, send email to follow from remote site. [dennismarketicaol.com\(dennismarketicaol.com\)](mailto:dennismarketicaol.com(dennismarketicaol.com)) Edit this address Remove this address [dfakouri@fakourimortgage.com\(dfakouri@fakourimortgage.com\)](mailto:dfakouri@fakourimortgage.com(dfakouri@fakourimortgage.com)) Edit this addressRemove t

Goo morning,

Interesting email from the company that makes Oil Eater II.

V/r,

Todd

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

From: Saxon, Victoria LT  
Sent: Friday, February 01, 2013 01:29 PM Eastern Standard Time  
To: Peterson, Todd M GS13  
Subject: FW: Great Concern; response required, send email to follow from remote site. [dennismarketicaol.com\(dennismarketicaol.com\)](mailto:dennismarketicaol.com(dennismarketicaol.com)) Edit this address Remove this address [dfakouri@fakourimortgage.com\(dfakouri@fakourimortgage.com\)](mailto:dfakouri@fakourimortgage.com(dfakouri@fakourimortgage.com)) Edit this addressRemove t

LT Tory Saxon  
Chief of Response  
Marine Safety Unit Baton Rouge  
Phone: (225) 298-5400 ext. 241  
Cell: (225) 281-0109  
Fax: (225) 298-5408

-----Original Message-----

From: [stevenosei@MSN.COM](mailto:stevenosei@MSN.COM) [<mailto:stevenosei@MSN.COM>]  
Sent: Friday, February 01, 2013 11:26 AM  
To: Watters, Keith MSTC; Mike Ampol clean up contractor LA; [ldiron@ibervilleparish.com](mailto:ldiron@ibervilleparish.com); [larep060@legis.la.gov](mailto:larep060@legis.la.gov); [chris.viator@dps.la.gov](mailto:chris.viator@dps.la.gov); Chris Piehler LA DEQ; Davis, Quincy CDR; [david.fakouri@louisiana.gov](mailto:david.fakouri@louisiana.gov); [broyles.ragan@epa.gov](mailto:broyles.ragan@epa.gov); [mason.steve@epamail.epa.gov](mailto:mason.steve@epamail.epa.gov); Beckley, Matthew LT; Saxon, Victoria LT  
Subject: FW: Great Concern; response required, send email to follow from remote site. [dennismarketicaol.com\(dennismarketicaol.com\)](mailto:dennismarketicaol.com(dennismarketicaol.com)) Edit this addressRemove this address [dfakouri@fakourimortgage.com\(dfakouri@fakourimortgage.com\)](mailto:dfakouri@fakourimortgage.com(dfakouri@fakourimortgage.com)) Edit this addressRemove t

Dear Kyle Jellison NOAA, EPA region VI, and the RT VI for the Sorrel Bayou spill et al,

I have attached a letter of response to your email to David Fakouri below on January 30, 2013. My letter will allow you to understand, the Fact Sheet is factually incomplete, and misleading, which in turn caused the guidance document to be factually incomplete and misleading. You must act on the intent of the law, (Clean water act) not a guide document that is not law. You have now been alerted to the faulty incomplete information in the fact sheet and the guide document, it now incumbent on you and the RRT to correct these to prevent further damages to the US environment and natural resource damages since this is your job. I expect an immediate approval for OSE II.  
Steven Pedigo

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From: [dfakouri@faa.us](mailto:dfakouri@faa.us)  
To: [stevenosei@msn.com](mailto:stevenosei@msn.com)  
Date: Wed, 30 Jan 2013 16:47:46 -0600

Subject: FW: Great Concern; response required, send email to follow from remote site.

From: Kyle Jellison - NOAA Federal [<mailto:kyle.jellison@noaa.gov>]

Sent: Wednesday, January 30, 2013 3:39 PM

To: David Fakouri

Cc: Keith.J.Watters@uscg.mil; mike@ampol.net; ldoiron@ibervilleparish.com; St. Germain, Rep. (District Office) (larep060@legis.la.gov); chris.viator@dps.la.gov; chris.piebler@la.gov; Davis, Quincy CDR (Quincy.L.Davis@uscg.mil); Matthiessen.Craig@epamail.epa.gov

Subject: Re: Great Concern; response required, send email to follow from remote site.

Hello David,

As mentioned in our phone conversation, the official documents from NRT and RRT do not contain any reference to Category EA bioremediation products and advises against using any bioremediation products in open water environments. These are the official guidance from those authorities, which supersede any area plans. If you, or Mr Pedigo, would like to change these policies or guidance, then you need to speak with RRT or NRT representatives. See attached as reference.

Additionally, the Unified Command (FOSC = USCG, SOSC = LOSCO and RP = ORB Exploration) is the leadership of a response and the only authority that can request approval by the RRT to use bioremediation products. The NOAA Scientific Support Coordinator is an adviser to the FOSC (USCG) and has no authority to approve/disapprove the use of any response technologies.

Have a good day

On Wed, Jan 30, 2013 at 2:56 PM, David Fakouri <[dfakouri@dfaa.us](mailto:dfakouri@dfaa.us)> wrote:

1/30/13 2:55 PM

Dear Mr. Jellison,

Today we spoke briefly regarding the Iberville 5000 gallon spill at Bayou Sorrell, with specific interest regarding the requested use of the OSE II EA bioremediation product that has been proven viable to clean up the site as its approval was requested by the FOSC and has been blocked by you with the Science advisory group.

It appears that your science review committee has not approved the use of this solution as our brief conversation noted.

Please afford complete justification back to me as why this EA bioremediation product has not been afforded concurrence for use as it is a viable NCP solution.

Moreover, the category EA bioremediation was differentiated as denoted below from the other two forms of bioremediation. With the peer review published 3 types of bioremediation attached. In a few minutes, I will be leaving my office and having a PDF. copy of the 10/17/12 Delivery notice and Acknowledgement of receipt that was signed and recorded in the official record at the 10/17/12 area committee meeting. It was signed by the scribe, the Sector commander and the New LOSCO director for the state; all three signed the receipt.

Understanding that I was only a delivery person with the document as it was sent by Mr. Pedigo to be included in the formal record it was supposed to be included in the sector Area committee plan as Mr. Pedigo was tasked by EPA science committee Chairperson Mike (B) (I apologize I cannot pronounce his name or spell it) to write the document and it would be incorporated in the RRT NRT guidance document.

Of which has been the basis for my recent efforts.

In talking with you briefly, the NRT RRT guidance documents do not reflect such. Moreover the area committee plan for our sector does not reflect such. Please explain why.

As an active member of the area committee members for the last three years, the basis for the RRT was to take recommendations and proven science technology or assistance of any time to help the collective effort of the command structure to achieve clean up and removal of pollution from the environment in accordance with the US clean water act.

I await clarification from you why this EPA NCP listed EA bioremediation product has been denied approval for use in Iberville parish to address the pollution from the 5000 gallon accidental discharge. Federal testing has been supplied and all the concerns have been addressed to confirm its capabilities to remove and address 100% of the pollution without damage to the environment.

Personal observation:

During the DWH incident similar RRT blockage efforts were realized by NOAA and EPA as the USCG and the RRT stood by the toxic Corexit dispersants and refused to use this same product. With this said the use of the toxic dispersant cross contaminated the water column and sank the dispersed oil in the sediments incapable of being removed without detoxification. Such is indicative of the documented failed RRT-NRT guidance reflective of federal oversight. AS dispersants are not appropriate for the Iberville incident, I mention them only for example purposes showcasing how inept the RRT NRT is in accessing technology that actually works. The DOI test compared all three methods, Corexit dispersants, OSE II and

mechanical clean up. The most effective removal was achieved by the OSEII, mechanical was limited to 3-8 %; dispersants were not effective in removing anything from the environment. Their effectiveness is reflective in how fast they sink the oil as noted by the SWF test standards set by EPA. Further they do not comply with the federal laws as they fail to remove the pollution from the environment as WHOI report 1/26/2011 confirmed the toxicity issues from the DOSS that is in both dispersant products which are the only pre-approved emergency use NCP products that is blessed for use by the RRT NRT. Such is a great indicator of the RRT command structures ability to protect the natural resources of the United states. Such was realized by me personally thru discovery of public events and public documents and federal reporting.

If such is still the pedigree of the RRT/NRT command structure science groups oversight, god help us all.

In the email Friday, denoting the errors from the DWH incident and recent changes relative to the differentiation of the EA bioremediation from other methods of bioremediation; common sense affords understanding that the documentation justifiably addressed all concerns stated.

Presently the fact that the Area committee, and the RRT and NRT has failed to take direct action since 10/17/12 is noted.

Please advise me properly the justification why the OSEII solution is being blocked from use in Iberville parish.

It is obvious that RRT "NRT representing federal oversight is negligent here as it is intentionally restricting access to Iberville parish the ability to clean up the oil spill in the safest and most effective manner possible to remove pollution from the environment.

I would like a complete explanation timely. The OSE II solution should have been able to be used to address this spill as there is no scientific bases as the EPA has admitted previously for denying the use. The only basis is bureaucratic failure to take proper action, such is not defined in the US clean water act and thus is illegal.

Such action is causing direct harm to the responsible party, as they are being required to pay for antiquated response and pay higher environmental penalties as the out dated clean up procedures being applied are not as affective and are more damaging to the Iberville Parish environment.

Such action is causing harm to the residents of the Iberville Parish as environmental damage is being allowed because federal oversight has not taken direct responsible action with the OSE II product being included the ACP plan timely and receiving RRT NRT approvals.

Please know, I frequent this region, I eat the seafood from the bayou from the commercial fishermen. I will not ever eat such again. If I were a resident of the region I would demand the use of the most safest and most effective means possible to remove the pollution possible without causing damage to the environment of my Parish. Such has been properly delivered, its use was recommended and apparently blocked or the concurrence has been delayed or not granted, thus indirectly resulting in the OSEII EA NCP Product being blocked from use.

I apologize for my frustration with the federal oversight as it is flawed and somewhat rogue in its actions.

AS a strategic economist living in our region I fully understand the energy interest here and strongly support them. Since enjoying the ACP meetings, I have donated my time to make a difference and correct things whenever possible in an effort to allow our regions energy interest to better co-exist with the health and safety of our residents and natural resources.

I feel from our conversation, that such has been a farce. Personally not wanting to miss state anything we briefly discussed. Please respond back to me in writing fully why and how come the OSEII EA bioremediation solution has not been concurred with and what scientific basis exist that justifies restricting its use. Moreover what more could the RRT possibly need to concur with the use of this product.

AS I realize no scientific basis exist. I desire the full bureaucratic basis to be fully disclosed so that it can be addressed.

With respect to oversight and sovereignty of authority. Louisiana voluntarily entrusted its sovereignty to the RRT NRT command structure. It is apparent that such has failed to protect Louisiana with its delayed approval of the solution being discussed.

AS I cannot speak for any Louisiana official as I am only a citizen, with direct understandings from the DWH incident how the RRT command structure failed to honor minority RRT members request relative to the applied dispersants. Such bad faith by the RRT was noted. I truly hope similar bad faith does not continue.

In closing I will be emailing from Kinko's a copy of what was delivered entirely to ACP meeting command official's as promised. Such will include the signed receipt.

I will await the appropriate response as to why the EA bioremediation product has not been authorized for use with your concurrence.

Please note I have copied EPA senior official Craig Matthiessen with this email. At present I am direct discussions with his office since last year on this solution for cleaning up the GOM region.

Respectfully,

David Fakouri, Strategic Economist

Strategic Consulting Group, LLC

La Economic Foundation, Inc

Corporate members of:

David Fakouri and Associates

Email: Dfakouri@dfaa.us

Cell: 225 921 9735

Office: 225 927 6515 or 800 281 6441

Fax: 225 927 6523

From: David Fakouri  
Sent: Friday, January 25, 2013 6:16 AM  
To: mike@ampol.net; ldoiron@ibervilleparish.com  
Subject: Fwd: OSEI response to your email Thursday afternoon 1 24 13

I was asked to resend this to you.

Sent from my iPhone

David Fakouri.

David Fakouri and Associates

Members: SCG llc, BCCI, FCCI, LEF, FMC, DFG llc, and Sunday BBQ llc.

Cell 225 921 9735

Phone 225 927 6515

800 281 6441

Fax 225 927 6523

Email. dakouri@dfaa.us

Begin forwarded message:

From: "steven pedigo" <stevenosei@msn.com>  
To: "keith.j.watters@uscg.mil" <keith.j.watters@uscg.mil>, "mike@ampol.net" <mike@ampol.net>  
Cc: "chris.piebler@la.gov" <chris.piebler@la.gov>, "chris.viator@dps.la.gov" <chris.viator@dps.la.gov>, "ldoiron@ibervilleparish.com" <ldoiron@ibervilleparish.com>, "quincy.l.davis@uscg.mil" <quincy.l.davis@uscg.mil>, "victoria.a.saxon@uscg.mil" <victoria.a.saxon@uscg.mil>, "kyle.jellison@noaa.gov" <kyle.jellison@noaa.gov>, "David Fakouri" <dfakouri@dfaa.us>, "kevin@ind-tek.us" <kevin@ind-tek.us>  
Subject: OSEI response to your email Thursday afternoon 1 24 13

Dear Kieth,

I want to thank you for allowing us to address the concerns you have raised, and giving us the time to do so. I will respond in the order of your statements, to insure I address each item.

Your first statement - that it may have increased the clean up time - I know, after 25 years of experience and over 23,600 spills cleaned up, that if OSE II is approved to clean up your spill, the clean up time will be cut in half to one third based on our experience with OSE II and Louisiana crude oil. I also believe the use of OSE II will prevent natural resource and sensitive ecosystem damages that will inevitably occur if you try to manually remove debris or attempt to collect all the oil. Important to note is that "clean up time" is relative to the time it takes to render the toxic compounds and other harmful attributes of the oil harmless. The harmful effects of oil can be mitigated with OSE II in a matter of hours.

OSE II will in fact perform a more complete clean up by removing oil from vegetation that cannot be dug up or otherwise removed, since one merely needs to spray OSE II onto the vegetation to lift the oil out of contact enabling it to run off the vegetation. If you meant by waiting a day or so the end time with mechanical clean up will have extended the final date for clean up, then you are preaching to the choir that the RRT needs to pre approve bioremediation category EA OSE II, so this time lag is prevented.

Regarding your statement that

“We have reached out to the scientific community and certain members of the RRT and studies have shown that bioremediation is not recommended for this type of open water environment. It has been researched that bioremediation of open water spills is not considered to be appropriate or achievable because of the following two requirements. Nutrients must remain in contact with the oiled material and nutrient concentrations must be sufficient to support the maximal growth rate of the oil-degradation bacteria throughout the cleanup operation. When nutrients are added to a floating slick, they immediately disperse into the water column, essentially diluting to background levels. At such levels, rapid conversion of the hydrocarbons to biomass, CO<sub>2</sub>, and other innocuous end products would not be readily supported.”

This information originally comes from the inaccurate and out of date NRT/RRT IV and RRT VI guidance documents in their regional response plans. Those inaccuracies are fully addressed in the attached document entitled: BIOREMEDIATION TECHNIQUES, CATEGORY DEFINITIONS, AND MODE OF ACTION IN MARINE AND FRESHWATER ENVIRONMENTS. This is a peer-reviewed and published paper intended to replace the NRT’s science guidance documents on Bioremediation that I worked on as an appointed member of RRT VI’s Science Committee’s subcommittee established to re-write the bioremediation section to bring their guidance docs up to current and accurate information.

They were engaged in updating their guidance documents, and the RRT VI science committee had requested that I be a part of their subcommittee for reviewing existing materials since the bioremediation categories of 1) microbe additive, 2) nutrient/fertilizer, and 3) enzyme additive (EA) were all lumped together, and misdirecting and confusing OSCs and responders by inaccurately melding all 3 categories together as though they were all the same and had the same weaknesses and strengths. The Types of Bioremediation article attached defines, first of all, that there are three types of bioremediation and shows a great contrast between category EA/OSE II and category MC/bacteria, and NA/nutrient addition.

I wrote this document and delivered it to Mike Baccigalopi, the Chairman of the RRT VI Science Committee at the time who was overseeing the project and subcommittee with the express purpose of updating the guidance document. After we had completed the work, Mike said that the key excerpts from the newly re-written document would go into the body of the guidance document so the inaccuracies could be corrected and differences could be noted and the entire document would be cited. That was right before the holidays and that work has not been completed yet.

The Types of Bioremediation article shows you that category EA (and OSE II is the only product in this category) can be used in all the scenarios designated in the bioremediation guidance document, and can be utilized on all types of oils, including heavy oils. The attached RRT VII document proves this, as it was a test of OSE II on very heavy waste oil. The old NRT guidance document states that bioremediation is not applicable for this oil, and this is true for categories MC and NA; however, it does not apply to OSE II, as you can see. In fact, the other document sent to you earlier today shows clean ups with OSE II, and testing of it, with different members of the RRT’s present. It also shows NOAA officials at Mo Hang Port in South Korea being briefed on the successful demonstration of OSE II remediating heavy Bunker C oil by the South Korean Coast Guard Commandant. The Bioremediation Fact sheet issued by the NRT in 2000 has been in great need of updating, as you can see, in order to make sure FOSC’s and RRT members have the most up to date and accurate information to make informed decisions when speed of accurate decision making can make the difference between a quickly cleaned up spill vs. a badly impacted environment.

The document of the OSEI associations with RRT’s also shows that EPA personnel were given direct accounts of hundreds of open water clean ups, where the US Navy used OSE II to address 100% of their spills, and they reduced their cleanup costs by approximately 87%. So this shows OSE II can be used on open water. You have also seen the Saudi Arabia demonstration that shows how OSE II initial reactions work on beaches and shoreline waters; see link <http://osei.us/archives/1135>. Here is another open water/shoreline demonstration in Dubai as well: [https://www.dropbox.com/s/0q9b19238qxx2g/IMG\\_2325-1.MOV](https://www.dropbox.com/s/0q9b19238qxx2g/IMG_2325-1.MOV)

We have others, including large-scale cleanups that will be on the Internet soon. A lot of the large-scale cleanups are under non-disclosure agreements right now; otherwise they would already be on the Internet. The point is, we have direct and incontrovertible evidence of OSE II’s effectiveness and safety on open water.

Your email points out that nutrients have a hard time staying in contact with the oil; and this has, traditionally, been a problem with bioremediation products, until OSE II. In the three types of bioremediation you can see this link where OSE II was tested on an open mesocosm test with EPA guidance and it proves that OSE II constituents actually adhere to the oil. <http://www.nbiap.vt.edu/brarg/brasym95/kavanaugh95.htm>

OSE II contains certain constituents to cause molecular adhesion so that, wherever hydrocarbon-based material migrates, partitioned OSE II constituents go with it. This was shown on the Osage Indian reservation, as well, in the OSEI RRT association brochure. OSE II does not disperse into the water column, as fertilizers/nutrients tend to do. The dispersant test in our technical library performed for the US EPA shows OSE II to have produced a negative number 47, which proves OSE II has zero effectiveness as a dispersant. This negative number means OSE II causes hydrocarbons to float. See link <http://osei.us/technical-library-documents> pages 138-140.

The next statement in your email I will address is “In addition, there is a surfactant listed as one of the ingredients in the product. Although a bio-surfactant, it is looked at similarly as a chemical surfactant.” If you were to do nothing on an oil spill over a very extended time, Mother Nature would try to utilize the oil as a food source. Mother Nature’s own process utilizes bio surfactants, and the fact they act similarly to chemical surfactants should make no difference because this is how nature, eventually, deals with an oil spill. The concern with chemical surfactants is they are toxic to marine species. And, you’re right, chemical surfactants should most definitely not be used on spills that happen anywhere where vegetation and life forms will come in contact with them. The attached 18 toxicity tests, several performed by the US EPA and Environment Canada prove that, no matter what ingredients are in OSE II, including bio surfactants, there is nothing harmful to marine species, wildlife, responders or vegetation. So the concern for bio surfactants, as contained in OSE II, is a proven non-issue.

The next statement I would like to address is “I understand that you have stated that when utilizing your product it is unlikely that the oil or the product will sink.” If you look at the EPA RRT VII aquarium tests, you will see the OSE II tests show the oil floats until it thins to nothing and is remediated to CO<sub>2</sub> and water, which proves OSE II causes even heavy waste oil to float and prevents it from contaminating secondary areas like the water column. You should also see this link <http://osei.us/photoalbums/crude-oil-spill-cleanup>. This is a spill of significance of over 5000 gallons of oil on a pond/lake with marsh grass, shoreline grass, sandy shoreline, and marsh grass. This shows the oil floating as the bacteria spreads out across the oil until it remediates. Once there are only remnants of the oil left, the bacteria clump up to the point you can see them. Then, once the oil is remediated, the bacteria quickly die off to background levels. This shows the oil floating until it was permanently removed from the environment, and there was no damage to the marsh grass or shoreline. By causing the oil to float, OSE II also prevents the water column’s O<sub>2</sub> level from being depleted.

The next sentence states “This is one of the reasons for the offsite test we would have liked to conduct, however, to get a full test required for this specific environment it would take 2-4 weeks for completion.” You state that one of the reasons for the off-site test is to verify that it won’t sink the oil. But, again, testing that has already been done, proves OSE II does the opposite: it causes hydraulic lift and keeps the oil on the surface, or brings it to the surface, where it can most readily be turned into CO<sub>2</sub> and water.

All the testing has been done to show that OSE II is the most effective, fastest, safest product available to thoroughly address a spill. As you’ve seen from the documents we’ve provided: the EPA successfully used OSE II on the Osage Indian reservation; the Navy successfully used OSE II on 100’s of spills over three and a half years, which as I stated, EPA officials are aware of; a successful demonstration was done on oil at the LA State Capital in front several State Senators and Chris Piehler and other professors; a number of other demonstrations in various areas of the gulf have been done during the BP spill (see links below).

Waveland Beach Mississippi marsh grass and sandy beach demonstration: <http://osei.us/archives/819>

Shell Beach La demo on water

[http://www.youtube.com/watch?v=9BC1mn2lrXk&feature=player\\_embedded](http://www.youtube.com/watch?v=9BC1mn2lrXk&feature=player_embedded)

Clean up on Grande Isle La cleaning up BP oil with Corexit dispersants attached

<http://osei.us/archives/828>

These demonstration with State officials and some with LA DEQ officials, along with:

- all the tests from the EPA NCP test,

- the recent DOI test,
- the recent EPA RRT VII test,
- the crude oil clean up for Texaco (see link again at <http://osei.us/photoalbums/crude-oil-spill-cleanup>) which is a cleanup, not a test,
- the case studies with legal closure letters achieving the predicted end points of CO2 and water,
- the toxicity tests that show OSE II is practically non toxic, and
- videos of OSE II being handled by OSE II representatives,

all prove that OSE II is safe for responders, it is easy to implement and apply, the oil is caused to float preventing secondary or tertiary areas from becoming impacted, which protects the water column from O2 depletion.

An off-site test would be a redundant exercise, and it would prevent the only really effective method from being utilized by you on this spill. And that will result in one more completely inadequate and substandard cleanup with mechanical means, while portions of the natural vegetation in the area are unnecessarily damaged. We believe the voluminous testing phase of OSE II has been completed, and the over 23,600 spill cleanups since 1989 show OSE II is way beyond the testing phase because it is being successfully applied on spills including in the Gulf, and in 40 other countries, including U.S. navigable waters, and is now fully ready to be implemented on this spill.

So we believe OSE II should be utilized, not tested again, for the 1000th time, to see if it will work again, just like it has worked in all the other tests. That point has been established.

Your next statement "By that time we are expected to be near completion of recovering the pooled oil, and our progress with mechanical cleanup cannot be delayed while the test is completed." The fact is, even if we had to do the test for you and it took a couple of weeks to complete, you could then utilize OSE II to finish the cleanup and end up with it cleaned up in less than half the time you have stated mechanical clean up will take; and you will have preserved the environment, which you will be unable to accomplish with mechanical cleanup. The responsible party will save a lot of time and money as well, since less equipment and labor time will be required, and the responsible party will not have to pay as much for natural resource damages.

Regarding your next statement "It has been stated that this type of cleanup method would be most beneficial either in marsh areas, which we are not in, or when the water level resides to apply it to the land." This statement would only be made by people who are not familiar with the proven abilities of OSE II. OSE II has and can be used almost anywhere hydrocarbon-based material is spilled, reducing the spill's impact, and limiting the time toxic hydrocarbons can impact the environment. Our large numbers of tests, demonstrations and successful cleanups have proven this.

I have also attached the White paper that we wrote for the US Coast Guard, and the Coast Guard response in which he stated in writing to the FOSC in charge of the BP spill at the time to "take action with OSE II". This is just one more reason to justify the use of OSE II on this spill.

I also received a similar letter from the Coast Guard on the Valdez spill, after OSE II cleaned up a small area of beach.

I hope that you will review this information and move ahead with utilizing OSE II, which is the safest, most efficient response method that you now have at your disposal; one that actually lives up to the standards set by the Clean Water Act by permanently removing the oil from the environment. I appreciate your time and consideration and look forward to your response.

Sincerely,  
Steven Pedigo  
Chairman/CEO OSEI Corporation

From: dfakouri@dfaa.us<<mailto:dfakouri@dfaa.us>>

To: Keith.J.Watters@uscg.mil<<mailto:Keith.J.Watters@uscg.mil>>; mike@ampol.net<<mailto:mike@ampol.net>>

CC: chris.piebler@la.gov<<mailto:chris.piebler@la.gov>>; chris.viator@dps.la.gov<<mailto:chris.viator@dps.la.gov>>; stevenosei@msn.com<<mailto:stevenosei@msn.com>>; kevin@ind-tek.us<<mailto:kevin@ind-tek.us>>; ldoiron@ibervilleparish.com<<mailto:ldoiron@ibervilleparish.com>>; Quincy.L.Davis@uscg.mil<<mailto:Quincy.L.Davis@uscg.mil>>; Victoria.A.Saxon@uscg.mil<<mailto:Victoria.A.Saxon@uscg.mil>>; kyle.jellison@noaa.gov<<mailto:kyle.jellison@noaa.gov>>

Date: Thu, 24 Jan 2013 16:54:00 -0600

Subject: RE: Steven Pedigo shared "OSEI CEO meetings and demonstration with the State of Louisiana legislators 5 5 10" with you

Keith,

Thank you and Mike for the prompt responses today.

Please note, that Pedigo will be addressing all concerns stated in the email by this evening.

Please honor our 24 hour request addressed earlier today so that Mr. Pedigo can address all concerns stated in your email, thus allowing OSE II to garner approval/concurrence for use in this spill.

Respectfully,

David Fakouri, Strategic Economist

Strategic Consulting Group, LLC

La Economic Foundation, Inc

Corporate members of:

David Fakouri and Associates

Email: Dfakouri@dfaa.us<<mailto:Dfakouri@dfaa.us>>

Cell: 225 921 9735

Office: 225 927 6515 or 800 281 6441

Fax: 225 927 6523

-----Original Message-----

From: Keith.J.Watters@uscg.mil<<mailto:Keith.J.Watters@uscg.mil>> [<mailto:Keith.J.Watters@uscg.mil><<mailto:Keith.J.Watters@uscg.mil>>]

Sent: Thursday, January 24, 2013 4:32 PM

To: David Fakouri; Mike Watts

Cc: chris.piebler@la.gov<<mailto:chris.piebler@la.gov>>; Chris Viator; Steven Pedigo; kevin@ind-tek.us<<mailto:kevin@ind-tek.us>>;  
ldoiron@ibervilleparish.com<<mailto:ldoiron@ibervilleparish.com>>; Davis, Quincy CDR; Saxon, Victoria LT;  
kyle.jellison@noaa.gov<<mailto:kyle.jellison@noaa.gov>>

Subject: RE: Steven Pedigo shared "OSEI CEO meetings and demonstration with the State of Louisiana legislators 5 5 10" with you

David,

I apologize for the delay in response. We have been out of the office working on issues regarding the response. We also appreciate your time with us and the responsible party on presenting the opportunity to utilize an alternative method that may have potentially increased the time for cleanup. We have reached out to the scientific community and certain members of the RRT and studies have shown that bioremediation is not recommended for this type of open water environment. It has been researched that bioremediation of open water spills is not considered to be appropriate or achievable because of the following two requirements. Nutrients must remain in contact with the oiled material and nutrient concentrations must be sufficient to support the maximal growth rate of the oil-degradation bacteria throughout the cleanup operation. When nutrients are added to a floating slick, they immediately disperse into the water column, essentially diluting to background levels. At such levels, rapid conversion of the hydrocarbons to biomass, CO2, and other innocuous end products would not be readily supported. In addition, there is a surfactant listed as one of the ingredients in the product. Although a bio-surfactant, it is looked at similarly as a chemical surfactant. I understand that you have stated that when utilizing your product it is unlikely that the oil or the product will sink. This is one of the reasons for the offsite test we would have liked to conduct, however, to get a full test required for this specific environment it would take 2-4 weeks for completion. By that time we are expected to be near completion of recovering the pooled oil, and our progress with mechanical cleanup cannot be delayed while the test is completed. It has been stated that this type of cleanup method would be most beneficial either in marsh areas, which we are not in, or when the water level resides to apply it to the land. Please let us know if you have any further questions.

Respectfully,

Chief Keith Watters, Response & Prevention Department Marine Safety Unit Baton Rouge Louisiana

6041 Crestmount Dr.

Baton Rouge, LA 70809

(225)298-5400 extension 235

â€œPrideâ€ Take Pride, in everything you do. Pride in Your Family, Your Coast Guard, Your Unit, Yourself and in your Workmanship

-----Original Message-----

From: dfakouri@dfaa.us<<mailto:dfakouri@dfaa.us>> [<mailto:dfakouri@dfaa.us><<mailto:dfakouri@dfaa.us>>]

Sent: Thursday, January 24, 2013 1:46 PM

To: Mike Watts; Watters, Keith MSTC

Cc: chris.piebler@la.gov<<mailto:chris.piebler@la.gov>>; Chris Viator; Steven Pedigo; kevin@ind-tek.us<<mailto:kevin@ind-tek.us>>; ldoiron@ibervilleparish.com<<mailto:ldoiron@ibervilleparish.com>>

Subject: RE: Steven Pedigo shared "OSEI CEO meetings and demonstration with the State of Louisiana legislators 5 5 10" with you

Importance: High

Mike and Keith,

I responded while at lunch, as noted below from my PDA.

In that email, I failed to request clarification your last sentence of the email regarding as

was stated: "a separate approval process for bioremediation outside of the NCP for water based spills."

Conversely, I have asked Mr. Pedigo with OSEI corporation to contact you directly on this.

Please provide clarification as it is my understanding that OSEI has followed all RRT and NCP guidance policies.

Throughout this event, I want to thank both of you for courtesy and prompt response communications afforded to me.

This week, a sense of urgency has existed in this spill, what you have dented about a test demonstration occurring possibly next week; I am concerned about waiting till next week for any such demonstrations as such will be mute; as manual solutions will have to be drawn up and implemented in an attempt to clean up the spill which would cause damage to the natural resources. Mechanical methods are not as effective as the EA bioremediation OIL SPILL EATER II product offered.

With respect to this responsible party or any others in a generic context: as an economist, I realize the need to clean up as much accidental discharge as the spill as possible. With respect to the OSE II product, 100% of the spill will be removed from the environment completely sparing the environment from unnecessary damage as well as being the most cost effective solution for the responsible party.

Respectfully



David Fakouri, Strategic Economist

Strategic Consulting Group, LLC

La Economic Foundation, Inc

Corporate members of:

David Fakouri and Associates

Email: Dfakouri@dfaa.us<<mailto:Dfakouri@dfaa.us>> <<mailto:Dfakouri@dfaa.us>><<mailto:Dfakouri@dfaa.us%3F?>>;

Cell: 225 921 9735

Office: 225 927 6515 or 800 281 6441

Fax: 225 927 6523

From: David Fakouri

Sent: Thursday, January 24, 2013 12:41 PM

To: Mike Watts; keith.j.watters@uscg.mil<<mailto:keith.j.watters@uscg.mil>>

Cc: chris.piebler@la.gov<<mailto:chris.piebler@la.gov>>; Chris Viator; Steven Pedigo; kevin@ind-tek.us<<mailto:kevin@ind-tek.us>>;  
ldoiron@ibervilleparish.com<<mailto:ldoiron@ibervilleparish.com>>

Subject: Re: Steven Pedigo shared "OSEI CEO meetings and demonstration with the State of Louisiana legislators 5 5 10" with you

Mike and kieth,

Please hold off for 24 hours so that we can address any scientific concerns. There is no scientific reason why not to use OSE II, as was stated by EPA region 6.

Please advise who has any concerns; what the concerns are, and how to contact them so we can contact them and address any concerns immediately.

Sent from my iPhone

David Fakouri.

David Fakouri and Associates

Members: SCG Ilc, BCCI, FCCI, LEF, FMC, DFG Ilc, and Sunday BBQ Ilc.

Cell 225 921 9735

Phone 225 927 6515

800 281 6441

Fax 225 927 6523

Email. dakouri@dfaa.us<<mailto:dakouri@dfaa.us>>

On Jan 24, 2013, at 12:09 PM, "Mike Watts" <mike@ampol.net<<mailto:mike@ampol.net>>> wrote:

David,

It is my understanding that it is NOAA primarily, but other members of the RRT as well that have raised concerns regarding the use of your product. Presently, things appear to have been delayed significantly enough that I am making our contingency plan of manual removal into the primary plan instead.

The test we discussed yesterday, NOAA has initially said they would be ready the middle of next week sometime.

I understand your frustration, but there is a separate approval process for bioremediation outside of the NCP for water based spills and that set of approvals is what is holding things up.

-Mike

From: David Fakouri [<mailto:dfakouri@dfaa.us><<mailto:dfakouri@dfaa.us?>>]

Sent: Thursday, January 24, 2013 11:50 AM

To: keith.j.watters@uscg.mil<<mailto:keith.j.watters@uscg.mil>>; Kwatt99@aol.com<<mailto:Kwatt99@aol.com>>; Mike Watts

Cc: chris.viator@dps.la.gov<<mailto:chris.viator@dps.la.gov>>; chris.piebler@la.gov<<mailto:chris.piebler@la.gov>>;  
ldoiron@ibervilleparish.com<<mailto:ldoiron@ibervilleparish.com>>; David Fakouri; stevenosei@msn.com<<mailto:stevenosei@msn.com>>; kevin@ind-  
tek.us<<mailto:kevin@ind-tek.us>>

Subject: {Disarmed} FW: Steven Pedigo shared "OSEI CEO meetings and demonstration with the State of Louisiana legislators 5 5 10" with  
you

AS promised the second email with data

From: Dropbox [<mailto:no-reply@dropbox.com><<mailto:no-reply@dropbox.com?>>]

Sent: Thursday, January 24, 2013 10:03 AM

To: David Fakouri

Subject: Steven Pedigo shared "OSEI CEO meetings and demonstration with the State of Louisiana legislators 5 5 10" with you

<-WRD000.jpg>

Steven used Dropbox to share some files with you!

Click here to view OSEI CEO meetings and demonstration with the State of Louisiana legislators 5 5 10 <[https://www.dropbox.com/eyJr=/sh/g763lwzcy5ukl6d/8C1jzdbBHR&b=clk:30617095:9329713884010135539:1124:558&z=AAC\\_KfU9fSIzEcWvMO2sxGMBvA4rX178YlviYDFkgtR\\_FQ%3ehttps://www.dropbox.com/eyJr=/sh/g763lwzcy5ukl6d/8C1jzdbBHR&b=clk:30617095:9329713884010135539:1124:558&z=AAC\\_KfU9fSIzEcWvMO2sxGMBvA4rX178YlviYDFkgtR\\_FQ%3e](https://www.dropbox.com/eyJr=/sh/g763lwzcy5ukl6d/8C1jzdbBHR&b=clk:30617095:9329713884010135539:1124:558&z=AAC_KfU9fSIzEcWvMO2sxGMBvA4rX178YlviYDFkgtR_FQ%3ehttps://www.dropbox.com/eyJr=/sh/g763lwzcy5ukl6d/8C1jzdbBHR&b=clk:30617095:9329713884010135539:1124:558&z=AAC_KfU9fSIzEcWvMO2sxGMBvA4rX178YlviYDFkgtR_FQ%3e)>> .

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<image001.jpg>

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V/R,

LTJG Kyle Jellison

Scientific Support Coordinator

for USCG District 8

Mobile: 206-375-5559

24HR: 206-375-5697 (D8 Duty Phone)

24HR: 206-526-4911 (NOAA Duty Phone)

<http://response.restoration.noaa.gov/>

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